

REMARKS

Claims 1-14 are pending in the application.

Claims 1-14 stand rejected under 35 U.S.C. 112, Second Paragraph. In particular, the Examiner has found the terms “user-configurable communication settings” and “configuration information” unclear. Applicant has clarified those terms by this amendment via clarification of the term “communications application.” This amendment is discussed in detail below.

Claims 4, 5, 6, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Pat. Pub. No. 2001/0012281 (“Hall”) in view of Larkins U.S. Pat. No. 6,295,291 (“Larkins”). Claims 1-3, 9, and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan et al., U.S. Pat. Pub. No. 2002/0107002 (“Duncan”). Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan and in further view of Hall. Applicant respectfully traverses each rejection for the reasons set forth below.

The Examiner’s Response to Arguments section notes a misunderstanding between the Applicant and the Examiner regarding the distinctions between the claimed invention and the prior art. Applicant agrees, and believes that this misunderstanding stems from the use of the term “mobile phone communications application” in the claims. In particular, the term “application” seems to be understood differently by the Examiner than by the Applicant. As used by the Applicant, the term “application” refers to an installed multimedia application that runs as an application (e.g., an “app”) on the phone’s operating system, while that term as understood by the Examiner seems to include the phone’s operating system that controls core operation of the phone itself. Applicant has amended the independent claims for clarity in this respect. No new matter has been added. Support for this amendment can be found in Applicant’s specification at, e.g., paragraphs [0091], [0130], [0131] and [0075]. See also paragraph [0006] of the background section regarding mobile internet applications.

None of the cited references teach or suggest configuration of mobile phone communications applications comprising an installed multimedia application as claimed.

Applicant notes in this regard that Hall, at paragraph [0016] does briefly discuss configuring an application, but does not disclose or suggest configuring a communications application, nor does he disclose or suggest configuring an installed multimedia application. While the applications in the present invention relate to mobile phone communications, the applications in Hall (such as clock or calendar displays) do not relate to communication services. Indeed, Hall discloses describes how a user can select or deselect simple applications that may be displayed, or not displayed, on a mobile phone. *See* Paragraph [0016]. Such applications may be easily turned on and off without needing to configure their settings. As such, Hall fails to teach or suggest mobile phone communications applications (installed multimedia applications) which have various parameters that need to be set. Moreover, Hall fails to disclose the necessary configuration or modification of such settings for such communications applications. Thus, Hall fails to disclose configuration information that includes settings for such communications applications.

Larkin and Duncan do not cure Hall's failure to disclose configuration information for mobile phone communication application that include various parameters to be set. Larkins fails to disclose any *application* for a mobile phone, much less a communications application comprising an installed multimedia application as claimed. Larkins simply tracks subscribers' registration and service plan. *See e.g.* Col. 2 Lines 54-56. Larkin uses a billing system and an authentication center to collect data in order to verify which services should be enabled. *See* Col. 4 Lines 62-66; and Abstract. The parameters transmitted in Larkin merely include authentication information such as directory numbers. *See* Col. 3, lines 33-41. As such, Larkins fails to teach or suggest a communications setting for a mobile phone communications application comprising an installed multimedia application. Duncan also fails to disclose such configuration information as it merely discloses a webpage with a link of further information. *See e.g.* Claim 1. Because the cited references fail to teach or suggest configuration information for communication applications, the present invention is distinguished.

Furthermore, the present invention is patentable over the cited references because the combination or modification of the references is not obvious. Specifically, it would not be obvious to modify the teachings of Hall with those of Larkins to provide access to a website via a mobile phone instead of a computer. Although Larkins discloses a radiotelephone with a web

browser, Hall clearly limits itself to the situation where an “user can access the web page from a personal or business *computer*.” See Hall’s [0013] and Abstract. While Hall allows mobile phone users to select display preferences from a simulation on a webpage viewable on a computer, the present invention allows users to access and change a mobile phone’s configurations using a web page displayed on the mobile phone itself.

At pages 6 and 8 of the Office Action, the Examiner cites the first line of Hall’s abstract and paragraphs [0005] and [0018] in opposition to Applicant’s above argument. Applicant respectfully disagrees. Even given Hall’s disclosure that his mobile phone is a “smartphone” or “a wireless computer with telephone capabilities,” this is far from a suggestion to modify the teachings of Hall with those of Larkins to provide access to a website via a mobile phone instead of a computer. Hall’s mention of a smartphone fails to provide an enabling disclose of a webpage displayed on a mobile phone. Hall does not teach or suggest websites accessible via mobile phones, much less a webpage that displays configuration information via the mobile phone itself. Indeed, Hall discloses a simulated mobile phone display on the monitor of a computer (referenced as 24); but not a webpage configured for display on a mobile phone (referenced as 12).

Larkins and Duncan fail to provide any motivation to enhance the experience of mobility by allowing users to personalize and configure their mobile phone communications applications (an installed multimedia application) via a mobile phone’s webpage based on information associated with the phone itself. Larkins merely discloses a website that allows a subscriber to update a service plan relating to billing information and authentication information. While it may teach transmitting billing and authentication information in order to subscribe users to a service, Larkins fails to teach or suggest configuring a phone’s settings via a webpage that displays the phone’s information. Duncan also does not relate to the configuration of settings as it simply discloses a personalized web page which contains links that merely provide access to additional information like any other browser is capable of providing. Duncan fails to teach or suggest that a mobile phone’s information may be displayed via the phone’s webpage, much less configured. Larkins and Duncan both fail to disclose transmitting configuration information to a mobile phone using information associated with the mobile phone and the user’s preferences. As

such, Applicant respectfully believes that one would not have been motivated to modify Hall, Larkins and Duncan.

A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. KSR Int'l Co. v. Teleflex, 127 S.Ct 1727, 1741 (2007). The factfinder should be aware of the distortion caused by hindsight bias. KSR Int'l Co. v. Teleflex, 127 S.Ct at 1742. In determining whether a claimed invention is an obvious combination of prior art references, it must be shown that there is an apparent reason to combine the known elements in the fashion claimed. Id. at 1741. The Examiner has not advanced a sufficient rationale as to why a person skilled in the art would have been motivated to combine Larkins, Duncan and Hall in the manner described in the present Office Action.

Further, it is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Royka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). Moreover, the Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Because the claims recite limitations not taught or suggested by the prior art, Applicant asserts that the independent claims, and their dependent claims, are patentable. It is respectfully submitted that the §103 obviousness rejections must be withdrawn.

In view of the arguments above, claims 1-14 are in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, she is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,

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